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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,351	07/26/2003	Kevin Meret	TAME-001	2322

7590 10/21/2005

Law Office of Frank P. Becking  
P.O. Box 800  
Palo Alto, CA 94302

EXAMINER

RODRIGUEZ, PAMELA

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

10/627,351

### Applicant(s)

MERET, KEVIN

### Examiner

Pam Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 6,9,10 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,8,11-14 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

cb

## **DETAILED ACTION**

### ***Transitional After Final Practice***

1. Since this application is eligible for the transitional procedure of 37 CFR 1.129(a), and the fee set forth in 37 CFR 1.17(r) has been timely paid, the finality of the previous Office action is hereby withdrawn pursuant to 37 CFR 1.129(a). Applicant's first submission after final filed on October 4, 2005 has been entered.
2. Upon further search of the claims on receipt of applicant's after final amendment, the examiner uncovered the Duncan '971 patent cited below which teaches the claimed pin/base locking mechanism claimed by applicant. Therefore, in light of the new grounds of rejection present in this office, a new second non-final office action has been issued herewith.

### ***Drawings***

3. The drawings were received on October 4, 2005. These drawings are approved by the examiner.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7, 8, 11-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Kickstart Article reference cited by applicant in view of U.S. Patent No. 6,202,971 to Duncan.

Regarding Claim 1, the Kickstart Article discloses a suspension fork temporary restraint system (see the Figure and the article description) having most all the features of the instant invention including: a hook and fork interface member (i.e., the hangar), the hook configured to interlock with the interface/hangar member when the assembly is installed on the suspension fork (see the Figure), upon compression of the fork, followed by movement of the hook from an initial state, and wherein the temporary restraint system is adapted to return the hook to the initial state upon additional compression of the fork releasing the interlocking of the hook and the interface/hangar member (see the article description).

However, the Kickstart article does not disclose the claimed base, pin, spring, and fork interface member structure, wherein the base is configured to slidably receive the pin, wherein the spring is positioned to bias the depression of the pin, and wherein the pin is configured to interlock with the interface member when the base is installed on the fork, followed by depression of the pin from an initial state.

Duncan is relied upon merely for his teachings of a tube temporary restraint system (see Figure 1A) having a base 32, a pin 34, a spring 38, and a tube interface member 18, wherein the base 32 is configured to slidably receive the pin 34, and the spring 38 is positioned to bias the depression of the pin 34 (see column 5 lines 13-15) via the handle/knob structure 42, the pin 34 is configured to interlock with the interface

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member 18 when the base is installed on another tube 12 (see Figure 1A), followed by depression of the pin 34 from an initial state (see column 4 line 66 – column 5 line 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the pin and interface locking system as taught by Duncan for the hook and hangar locking system of the Kickstart article as an alternate means of temporarily restraining the suspension fork of the motorcycle. The sliding pin interlocking structure would merely be an alternate equivalent means of compressing the fork until additional compression of the fork would release the attachment of the two members.

Regarding Claim 2, Duncan further discloses that the pin 34 comprises a distal recess (at portion 36) and the interface member 18 comprises a complimentary ledge 40 to provide lateral engagement between the pin and the interface member (at least to the same extent as applicant's).

Regarding Claim 3, the Kickstart article, as modified, discloses most all the features of the instant invention as applied above, including in column 5 lines 20-22 of the Duncan reference that the pin 34 can be capped by any means of manually operated device such as a lever, handle, or knob.

However, the Kickstart article, as modified, does not disclose the pin being capped by a button head at a proximal end.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the pin of the Kickstart article, as modified, to be capped by a button head at a proximal end as another means of depressing the pin

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to affect locking between the pin and the interface member. As long as the fork remains locked, the means used to actuate the pin to perform this function is arbitrary.

Regarding Claim 4, Duncan discloses a coil spring 38 interposed between the base 32 and the end 42 coaxially with the pin 34 (see Figure 4A), and wherein a distal end of the base 32 (see Figure 4A and the end of element 32 closest to element 42) has an increased diameter relative to a body of the pin 34, thereby providing a stop against the base 32 (see Figure 4A).

Regarding Claim 5, see the Kickstart article which teaches the attachment of the fork restraint assembly to a fork guard.

Regarding Claim 7, see base 32 which includes a distal extension for receipt upon attachment to a fork guard (see Figure 4A and either of the ends of base 32 which are capable of attachment to a fork guard).

Regarding Claim 8, the Kickstart reference, as modified, discloses most all the features of the instant invention as applied above except for the interface member comprising a split ring for attachment to the fork.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the interface member of the Kickstart reference, as modified, to include a split ring structure as a matter of design preference. As long as an interface member is present in the front fork assembly, its design, shape, configuration, etc. is arbitrary.

Regarding Claims 11 and 12, see the Kickstart article.

Regarding Claim 13, see Claim 1 and the Kickstart article which discusses a 5 inch compression upon locking of the fork interface member.

Regarding Claim 14, see Claim 5 above.

Regarding Claim 16, see the Figure of the Kickstart article.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-5, 7, 8, 11-14, and 16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,609,202 to Miyakoshi et al., U.S. Patent No. 3,989,261 to Kawaguchi, and U.S. Patent No. 4,572,534 to Heyl all disclose suspension fork temporary restraint systems similar to applicant's

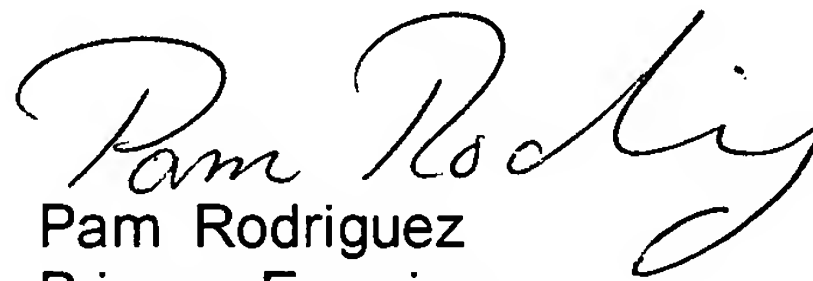
U.S. Patent No. 5,344,170 to Ochoa, U.S. Patent No. 5,044,592 to Cienfuegos, U.S. Patent No. 4,884,842 to Finkelstein, and U.S. Patent No. 6,354,557 to Walsh all disclose tube temporary restraint systems having locking pin and interface member structure similar to applicant's.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 571-272-7122. The examiner can normally be reached on Mondays 5:30 AM -4 PM and Tuesdays 5 AM -11 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim McClellan can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Pam Rodriguez  
Primary Examiner  
Art Unit 3683  
10/18/05

Pr  
10/18/05